

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JANET BAKER, JAMES BAKER, JKBAKER LLC and  
JIMBAKER LLC,  
Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM  
(formerly known as ARTESIA BANKING CORP., SA),  
Defendants.

No.: 04-CV-10501 (PBS)

**REQUEST TO ENTER DEFAULT OF DEFENDANT DEXIA BANK BELGIUM  
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 55(a)**

**TO THE CLERK OF THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

Plaintiffs Janet Baker, James Baker, JK Baker LLC, and JM Baker LLC ("Baker Plaintiffs"), request that the Clerk of this Court enter the default of Defendant Dexia Bank Belgium for failure to plead or otherwise defend in a timely manner, as provided by Rule 55(a) of the Federal Rules of Civil Procedure.

This request is based on the Declaration of Karen C. Dyer, filed contemporaneously herewith, which shows that:

1. The First Amended Complaint in this action was filed via the ECF system at or about 4:46 p.m. on October 16, 2006. (Dyer Decl. at ¶ 3 and Exhibit A.)
2. Defendant Dexia Bank Belgium has not served or filed an answer or other response to the First Amended Complaint. (*Id.* at ¶ 4.)
3. The time within which Defendant Dexia Bank Belgium is permitted to plead or otherwise respond to the First Amended Complaint has expired. (*Id.* at ¶ 5.)

4. Counsel for Baker Plaintiffs has met and conferred with counsel for Defendant Dexia Bank Belgium concerning this default, and has been unable to resolve this issue by agreement. (*Id.* at ¶ 6.)

WHEREFORE, Baker Plaintiffs respectfully request the Clerk of Court to forthwith enter the default of Defendant Dexia Bank Belgium in the above-captioned action.

Dated: November 9, 2006

Respectfully submitted,

JANET BAKER, JAMES BAKER,  
JKBAKER LLC and JIMBAKER LLC,  
By their attorneys,

/s/ Terence K. Ankner  
Terence K. Ankner, BBO #552469  
([tka@anknerlaw.com](mailto:tka@anknerlaw.com))  
PARTRIDGE, ANKNER & HORSTMAN  
LLP  
200 Berkeley Street, 16th Floor  
Boston, MA 02116  
Telephone: (617) 859-9999

BOIES SCHILLER & FLEXNER  
Karen C. Dyer  
George R. Coe  
225 South Orange Avenue, Suite 905  
Orlando, Florida 32801  
Telephone: (407) 425-7118

REED SMITH LLP  
Alan K. Cotler  
Joan A. Yue  
2500 One Liberty Place 1650 Market Street  
Philadelphia, PA 10103  
Telephone: (215) 851-8100

**CERTIFICATE OF SERVICE**

I hereby certify that this document will be filed through the ECF system, which filing will constitute service of the document upon all registered ECF users as identified on the Notice of Electronic Filing (NEF). A paper copy of this document has been mailed in accordance with FED. R. CIV. P. 5(b) to all those case participants not identified on the NEF as electronic recipients.

/s/ Karen C. Dyer  
Karen C. Dyer, Fla. Bar No. 716324